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13 ADAM THATCHER LAWRENCE

14 UNITED STATE DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,) **Case No. 18-00014 HSG**
18)
19 Plaintiff,) **DEFENDANT ADAM**
20 vs.) **LAWRENCE'S SENTENCING**
21) **MEMORANDUM**
22 ADAM THATCHER LAWRENCE,)
23)
24 Defendant.)
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29 **INTRODUCTION**

30 Adam Lawrence comes before the court for sentencing on June 25, 2018. Mr. Lawrence
31 has pled guilty to mislabeling wildlife intended for importation in violation of 16 U.S.C. §§
32 3372(d) and 3373(d)(3). He has never before been charged with or convicted of any crime and
33 has established himself as a credit to his Mendocino County community and his family. Mr.
34 Lawrence pled guilty pursuant to a plea agreement under which the Government agreed to

1 recommend that he be sentenced to probation. A Presentence Report prepared by the U.S.
2 Probation Office concurs in this recommendation, recommending that Mr. Lawrence be placed
3 on probation for three years and that he perform a period of community service as directed by
4 the Probation Officer. The Probation Officer has recommended that Mr. Lawrence pay a fine in
5 the amount of \$10,000 to the U.S. Fish and Wildlife Service. It is also recommended that Mr.
6 Lawrence be prohibited from hunting, trapping, or acting as a hunting guide or scout as a
7 condition of his probation.
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10 Because Mr. Lawrence has never before been in trouble with the law, has fully
11 accepted responsibility for his actions in this case, and has expressed genuine remorse for those
12 actions, and because of his outstanding record of achievement in his community and his clear
13 devotion to his family, we respectfully urge that the court adopt these recommendations and
14 sentence Mr. Lawrence to probation under appropriate conditions.
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16 **ADAM LAWRENCE**

17 Mr. Lawrence, a native of Mendocino County, is 38 years old and lives with his wife
18 and two young daughters in Willits, California. For many years Mr. Lawrence has been
19 involved in commercial fishing, which is addressed by the letter of Joshua Allman in Exhibit
20 A, which includes a number of character reference letters and a letter from the South African
21 rancher on whose land Mr. Lawrence shot a leopard that had been preying on livestock. Mr.
22 Allman, who has known Adam his entire life and looks upon him as a mentor, describes the
23 fishing environment and the devotion of fishermen, like Adam, to sustainable and
24 environmentally sound fishing. When growing up, Adam was actively involved in the farming
25 community, belonging to an organization called Future Farmers of America, in which he raised
26 pigs and cows. Adam has always been close to nature and the land. As he grew older, Adam
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1 became involved in real estate and earned the respect of many persons throughout the
2 community, honesty and integrity. Jeremiah Johnson, a licensed building contractor on the
3 Mendocino Coast, met Adam through mutual friends in the commercial fishing industry in Fort
4 Bragg, California, and has maintained a friendship with him ever since. Mr. Johnson writes:

6 “Adam is one of the most genuine human beings I have ever met. He
7 is a loving father to his two beautiful little girls, as well as a loving
8 husband to his wife. Ever since I’ve known Adam, he has always
9 worked multiple jobs as a fisherman and a real estate agent, always
10 trying to provide the best possible life for his family. He is the kind
11 of guy you don’t meet very often, especially nowadays. He is
12 respectful, hard-working, and good natured person, who genuinely
13 cares about others.”

14 Bryce Noel, who has known Adam since 2007, writes that he has looked up to Adam
15 “as an excellent role model ... an amazing husband, and an even more amazing father.” Mr.
16 Noel considers himself lucky to have “such a wonderful connection with that family.”

17 David Oncale, who served fifteen years as a California highway patrol officer, notes that Adam
18 has been “a big help to local law enforcement in the marijuana and environmental crimes that
19 occur.” Mr. Oncale relates that Adam “stood forth when no one else could, for an elderly man
20 at the coast, and basically gave him the end times of his life.”

21 Most of these letters were originally addressed to the prosecutor before this case was
22 finally resolved through Mr. Lawrence’s guilty plea to the Lacey Act violation. But the
23 sentiments they express are equally applicable in the present context. These are people who
24 know about this case and know that Mr. Lawrence was wrong in violating the law as he did,
25 but still they have no doubt about the essential worth of their friend and neighbor. Tom
26 Allman, the sheriff of Mendocino County, has written a letter attesting to the fine character of
27 Adam Lawrence, whom he knows well, and has observed for a number of years.
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1 Bruce Smith, who is chief investigator for the Lake County District Attorney's office relates
2 that prior to retirement, he served for 32 years with the Mendocino County sheriff's office,
3 where he was a sergeant in charge of marijuana eradication. Mr. Smith relates that he has
4 known Adam Lawrence for over ten years and thinks very highly of him. He knows Adam to
5 be a great family man, honest, hardworking and a true sportsman. Mr. Smith writes:

7 "I have had the opportunity to hunt with Adam on numerous
8 occasions and have found that he is a conservationist who loves the
9 outdoors."

10 Mr. Smith, like other writers, realizes that the leopard Adam killed in South Africa should not
11 have been imported into the United States under false pretenses and realizes that Adam made a
12 mistake, but also recognizes that Adam did not do this for financial gain. It was really one
13 grave error in the course of an exceedingly well lived life. In the same vein, James Nerli, Jr., an
14 attorney and former army intelligence officer, writes that he met Adam while he was acting as
15 a prosecutor and immediately became friends with Adam, sharing a passion for the outdoors
16 and hunting. Like Mr. Smith, Mr. Nerli writes that:

18 "Adam is a man who made a bad decision and ... justice dictates that
19 he be given the opportunity to be able to make amends for his crime
20 and prove to the court that he is not a felon, but a contributing
member of society."

21 Of course, Mr. Nerli's hope that Adam would not be convicted of a felony failed to materialize,
22 but his sentiment is relevant just the same. Adam is a man who deserves a chance to prove to
23 the Court that he is a credit to society who can be trusted to honor the law.

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25 People who have known Adam and his connection with the real estate activities are as
26 complimentary as those who know him through commercial fishing. Tom Woodhouse, owner
27 of Creekside Properties in Willets, states that "Adam does not cut corners and always gives fair
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1 value at his work and has a strong, positive reputation in Mendocino County.” Mr.
2 Woodhouse, who has owned his real estate business for 45 years, states that he has “nothing
3 but the deepest respect for Adam Lawrence. He has always worked hard to earn a living and
4 always paid his bills. He is known for doing high quality work with all projects being
5 completed and developed many satisfied customers.”

7 From the letters gathered in Exhibit A, only a few of which have been quoted here, it is
8 clear that Adam Lawrence is an outstanding person, a devoted family man and an ethical
9 business person. In its sentencing memorandum filed as this memorandum was being prepared,
10 the government has quoted passages from Adam’s unfortunate and uncharacteristic comments
11 to undercover officers who were seeking evidence against him in the guise of wanting to hunt
12 wild game in Africa. In these excerpts, Adam appears boastful in an apparent effort to impress
13 his guests. He is very embarrassed about these tapes and apologizes for them. They do not
14 reflect the kind of person he is. That person is reflected in the many letters attesting to his
15 character and integrity.

18 THE APPROPRIATE SENTENCE

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21 As we said at the outset of this memorandum, we believe that the plea agreement and
22 the presentence report reflect the proper approach to this situation by recommending a sentence
23 of probation with appropriate conditions. The government concurs in this recommendation,
24 pointing out that the recommended sentence is sufficient but not more severe than necessary to
25 satisfy the essential goals of sentencing under 18 U.S.C. §3553(a). We respectfully present Mr.
26 Lawrence’s letter to probation as a strong indicator of his real remorse and acceptance of
27 responsibility. We agree that Mr. Lawrence should pay an appropriate fine as recommended by
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1 the probation office and the government. It is also fitting that this fine be directed to the
2 Service where it can be put toward positive environmental goals.

3 The matter of restitution, raised by the government though not recommended by
4 probation, is another matter and is a bit more complicated. Mr. Lawrence has agreed to pay
5 any restitution that may be found appropriate as directed by the Court, but the government of
6 South Africa has not made a claim for restitution against Mr. Lawrence. While Mr. Lawrence
7 by his false statements about where the Leopard was shot violated the CITES treaty to which
8 South Africa, Mozambique and the United States are signatories, it is more difficult to find
9 that he committed a discrete offense against South Africa by killing the animal that had been
10 preying on livestock on private land. The prosecution emphasizes the estimates of
11 conservation groups and others of a steep decline of the leopard population in South Africa,
12 suggesting that activities like those of Mr. Lawrence play a part in that decrease. However, the
13 situation is a bit more nuanced, according to available information. The ban on hunting
14 leopards announced in 2016 was not meant to be permanent, but was thought necessary to
15 allow the South African authorities to assess the leopard population to determine future quotas.

16 The documents in Exhibit C address this subject and demonstrate that while South
17 African authorities, like conservationists everywhere, want to preserve the great cats from
18 extinction, that government has also manifested support for properly limited quota hunting as a
19 source of needed revenue. Exhibit C includes an August 6, 2015 bulletin from the South
20 African department of environmental affairs, expressing disappointment on Delta Airlines'
21 embargo on the transportation of hunting trophies in Africa. As that bulletin points out, "South
22 Africa's hunting sector is valued at about R 6.2 billion a year and is a major source of South
23 Africa's socio-economic activity, contributing towards job creation, community development
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1 and social upliftment.” In the course of this bulletin, the minister of environmental affairs, Mrs.
2 Edna Molewa, “welcomed the lifting of an embargo by the cargo division of South Africa’s
3 national carrier, South African Airways (“SAA”), on the transport of legally acquired hunting
4 trophies” of various African species.
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6 The decision by the department of environmental affairs (“DEA”) to suspend quotas for
7 hunting leopards in 2016, extended to 2017, was not based on a conviction that the situation of
8 the leopard population in the county was dire. Rather, this was temporary in nature, based on
9 uncertainty about the numbers of leopards and was not regarded as a necessarily permanent
10 ban. The suspension of quotas reflected a belief that more information was required to guide
11 future quotas. As the January 16, 2017 DEA bulletin stated, the CITES review process to
12 determine the reality of the leopard population” will continue in 2017 to assure that an
13 appropriate quota is allocated for the South African leopard population.”
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16 Additionally, It appears generally agreed that there are many leopards on private land
17 and there is no doubt that these pose a grave threat to livestock and to the cattle industry, with
18 severe economic consequences. The letter of Mr. Rudolph Brits, included in Exhibit A, deals
19 very personally with this. Mr. Brits sets forth that he is a cattle farmer and he formerly resided
20 on a certain identified farm before his retirement. Over the years, according to Mr. Brits, “I
21 have lost countless calves to leopard. I always had a damage/problem animal permit from
22 nature conservation to kill leopard that caught my cattle and I have killed quite a few.” Mr.
23 Brits continues:
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25 “Chris Van Den Bergh is a professional hunter and had hunting
26 rights on my land. I have asked him on more than one occasion to
27 come and help me with the problem leopards. It was one an occasion
28 like this where Mr. Lawrence shot the big leopard. When they came
in that morning I told them to be on the lookout because I just lost

1 another calf the night before. The financial loss over the years has
2 been quite substantial. In the past the leopard population had been
3 monitored closely and the farmers got help from nature conservation
4 when controlling the problem. But these days there are no controls
and the leopards have flourished ...

5 That is the main reason for the deaths of a large number of leopard at
6 the hands of cattle and game farmers. Leopards are shot, poisoned or
7 caught and then killed but nobody admit to it. But this has become
the norm. Farmers just cannot afford the losses caused by the wild
animals.”

8 While Mr. Brits can no longer locate his permit due to having moved to a smaller residence, he
9 affirms that he had one and that it was under its authority that Mr. van den Bergh and his client,
10 Adam Lawrence shot a problem leopard on his land.
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12 All this is not to deny Mr. Lawrence’s acceptance of responsibility for the Lacey Act
13 violation to which he has pleaded guilty. Nor should there be any doubt that Mr. Lawrence will
14 pay any fine or restitution ordered by the Court. Respectfully, however, we believe that the
15 government’s effort to require restitution to South Africa, which South Africa has not
16 requested, on the ground that Mr. Lawrence’s conduct deeply offended the laws and policies of
17 that country, is unpersuasive. The case cited by the government, *United States v. Bengis*, 631 F.
18 3d 33 (2d Cir. 2011), where restitution was awarded, is very different from the case of Mr.
19 Lawrence. Over a period of four years, the Bengis defendants, engaged in “an elaborate
20 scheme to harvest large quantities of south coast and west coast rock lobsters from South
21 African waters for export to the United States in violation of both South African and U.S. law.”
22 Over the years, the defendants, through their parent company, harvested rock lobsters in
23 amounts far exceeding the authorized quotas and exported them to the Unites States for their
24 own financial enrichment. South Africa brought charges against the defendants’ parent
25 company for violating its Marine Living Resources Act, and declined to prosecute the
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1 individuals only because it determined they were beyond the reach of South African
2 authorities. Large amounts of money were involved in the case and South Africa clearly
3 wanted restitution, though the means of calculating it were in doubt.
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5 Mr. Lawrence's situation is very different. Mr. Lawrence shot two problem leopards
6 that were plaguing livestock on private lands. There is no reason to doubt Mr. Brit's statement
7 that he had a permit for the leopard preying on his farm, nor is there any basis upon which to
8 conclude that, whatever one thinks of shooting big game under any circumstances, Mr.
9 Lawrence acted unlawfully in shooting marauding leopards on private lands. He did, however,
10 clearly offend the laws of South Africa, Mozambique and the United States as signatories to
11 the CITES treaty by misrepresenting where the leopard was shot, in his misguided effort to
12 export its remains to the United States. But that is what his criminal conviction here is all
13 about and that is why he should and will pay a fine to an account designated by the Fish and
14 Wildlife Service for conservationist purposes. He will pay without complaint whatever
15 monetary sanction the Court finds appropriate, but it may not make a great deal of sense to
16 require him to write a check to "South Africa" without request and lacking any clear rational
17 basis.
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20 CONCLUSION

21 Adam Lawrence is an outstanding person, a credit to his family and the community
22 who made a serious mistake for which he has paid and will continue to pay serious
23 consequences. His days as a hunter and an owner of antique firearms are over, and his vocation
24 as a real estate agent is jeopardized by his felony conviction. He has been humbled and
25 devastated by this experience because he has obviously been a law abiding person all of his
26 life. He is deeply and seriously remorseful. We respectfully urge the court to follow the
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1 recommendation of the parties and the probation office and sentence Mr. Adam Lawrence to
2 probation under appropriate conditions.

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5 Dated:

Respectfully submitted,

6 /s/ William L. Osterhoudt
7 William L. Osterhoudt
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